

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO:
ALL CASES IDENTIFIED IN **EXHIBIT A**
TO UNDERLYING MOTION

**PLAINTIFFS' MOTION TO EXCLUDE OR LIMIT THE OPINIONS AND
TESTIMONY OF DR. NICOLETTE SIGRID HORBACH, M.D.**

Plaintiffs in actions listed on attached Exhibit A, pursuant to Federal Rule of Evidence 702, 403, 104 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), hereby submit this Motion to Exclude the Opinions and Testimony of Nicolette Sigrid Horbach, M.D. Defendant Ethicon has designated Dr. Horbach to offer opinions on cases involving the Ethicon TVT Retropubic device. The Court should exclude Dr. Horbach's opinions because she attempts to opine on subjects that exceed the bounds of her qualifications, and are founded on insufficient facts and unreliable methodology. In support of this Motion, Plaintiffs have submitted a Memorandum of Law and also rely upon the following attached exhibits:

1. A list of each case to which this Motion applies, identified by case style and number, attached as Exhibit A.
2. A true copy of the General Expert Report of Nicolette Sigrid Horbach, M.D., attached as Exhibit B.
3. A true copy of the reliance list of Nicolette Horbach, M.D., attached as Exhibit C.
4. A true copy of the sources list of Nicolette Horbach, M.D., attached as Exhibit D.

5. A true copy of the Deposition of Nicolette Horbach, M.D. taken on March 25, 2016, attached as Exhibit E.
6. A true copy of the Deposition of Nicolette Horbach, M.D. taken on December 23, 2015, attached as Exhibit F.
7. A true copy of the Deposition of Nicolette Horbach, M.D. taken on November 22, 2013, attached as Exhibit G.
8. A true copy of the Curriculum Vitae of Nicolette Horbach, M.D., attached as Exhibit H.

As set forth more fully in Plaintiffs' Memorandum in Support of Its Motion, the Court should exclude the testimony and opinions of Defendant's expert witness Nicolette S. Horbach, M.D.

Dated: April 21, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2016, a true and correct copy of this Motion and Exhibits were served via electronic mail with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF counsel of record.

/s/ Aimee H. Wagstaff, Esq.